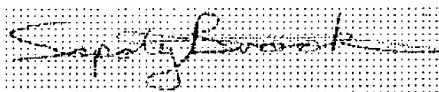


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Attention: Erika Garrett.

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Date: 4 September 2003.

Dear Examiner,

Re: Application No. 09/836,677; Filing Date 17 April 2001; Art Unit 3636; Applicant: Brook, Sapoty.

In response to the Final Office Action dated 14 July 2003, the applicant proposes the following revised amendments and explanations.

Also, the applicant wishes to request the examiner to declare the final rejection premature in view of the insufficiency of Mackenzie as discussed below. If the examiner introduces new prior art, the postal delay to Australia will create severe difficulty for the novice applicant to respond carefully in the current time frame.

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Regarding Claim Rejections - 35 USC # 112

Claims 1, 5, 7-10, 12, 13, 15, 16, 18-20 are requested to be re-instated from rejection on the following basis:

The applicant agrees that the joining means is indefinite. Hence the applicant has deleted the references in claim 1 to joining means.

In order to satisfy the previous necessity to clearly differentiate from Tai, the applicant has amended claim 1 to simply state that **the fixing means is non-translocatable**. The applicant did not present this amendment earlier because he was not cognizant of this simplification.

Claims 8-10, 12-13, 18-20 are requested to be re-instated from rejection on the following basis:

The first part retaining means 4 and second part retaining means 5 are introduced in Brook's specification on page 4 in the description of Figure 1. The first part retaining means 4 and second part retaining means 5 **are located on the base beside the deflated backrest, or on an exposed surface of the deflated backrest**. The more

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specific locations are dependent on the particular embodiment of the inflatable furnishing and the chosen placement of the usually flexible backrest.

Claim 8 has been amended with this location clause. These amendments are necessary to clarify the retaining means and were not provided earlier because the examiner had not raised the issue.

Regarding Claim Rejections - 35 USC # 102

Claim 1 is requested to be re-instated from rejection on the following basis:

The examiner is correct in her comparison of Mackenzie with Brook except for one crucial clause (page 3 of office action): "an air passage between the base (12) and the backrest (14) allowing a flow of air between the inside of the base and the inside of the backrest ...".

In figures 2 and 4 of Mackenzie, the unnumbered seal edge lines between the, separately defined, backrest's interior back compartment 26 and base's interior seat compartment 20 are clearly shown on each side of the pivot line P. The pneumatic separation of the two compartments 20, 26 is further indicated by the provision of two valves 24, 30: one for each compartment and each communicating independently with the ambient atmosphere. Additionally, Mackenzie often mentions independent selective inflation, deflation and "locking" of the two compartments in his specification. At no point in Mackenzie's specification is there any mention of an air passage joining the seat compartment to the backrest compartment.

This air passage is a crucial element of Brook's application because it allows all degrees of inflation and deflation of the backrest without loss of air from the system as a whole. Thus the user does not have to add or remove air to erect or, by degree, recline the backrest; or indeed, to deflate and pack away the backrest inside the base.

In Mackenzie's independent claims (1, 9, 13) the means conjoining the seat portion and the back portion to one another is merely for relative pivotal movement along a pivot axis, or not claimed at all. No claim for an air passage joining the seat and back portions, either through the conjoining means or elsewhere, is made in Mackenzie's claims.

Thus Brook's claim 1 was not anticipated by Mackenzie and rejection on this basis should be withdrawn.

Regarding Claim Rejections - 35 USC # 103

The applicant has argued above that Mackenzie is insufficient as relevant prior art and therefore it is not obvious to combine Mackenzie with Gancy. Nor is it obvious to combine Mackenzie with Tai.

Additional Amendments

The applicant wishes to further clarify the location of the connecting means as introduced in claim 7. The location of the resilient connecting means, the air passage between the base and backrest, and the flexible fixing means constitute the key elements of the layback feature. The applicant considers it necessary to make this amendment in order to clarify the claim in relation to prior art such as Gancy. The applicant did not make this amendment earlier because he did not notice the detailed location was unclear. In the embodiment shown in Figure 1 the first part retaining means 5 is in fact located on the base. It takes part in retaining the deflated backrest.

The amended claim is as follows:

7. (currently amended) The convertible inflatable furnishing of claim 5 wherein the connecting means includes an elastic material biasing the region of the base upper skin towards the region of the base lower skin, wherein the connecting means is connected to the base upper skin at a location where the front side of the backrest is joined to the base upper skin, or at a location more forward of where the front side of the backrest is joined to the base upper skin, wherein the chosen location is close enough to the front side of the backrest to allow allowing tension in the elastic material to transmit through the base upper skin to the front side of the backrest, the elastic material in tension having a elastic modulus capable of supporting an increased load on the backrest wherein the supporting force tending to maintain erection of the backrest is increased when the base volumetrically expands due to increased pressurization of the base resulting from increased compression of the backrest.

Also, the applicant wishes to cancel claim 13 and create three new claims 22-24 based on claim 13 and having relevant amendments specified above. Claims 22-24 are dependent on claim 1. The applicant proposed these claims in an incorrect manner in his previous response and is now formalising the claims.

Claims 22-24 are listed in the List of Claims below.